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FACEBOOK, INC.

11
12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA
14 SAN JOSE DIVISION
15

16 FACEBOOK, INC.,

17 Plaintiff,

18 v.

19 POWER VENTURES, INC. a Cayman Island
corporation, STEVE VACHANI, an individual;
20 DOE 1, d/b/a POWER.COM, DOES 2-25,
inclusive,

21 Defendants.
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Case No. 5:08-cv-05780-LHK

**ADMINISTRATIVE MOTION TO FILE
UNDER SEAL PORTIONS OF
FACEBOOK'S SUPPLEMENTAL
REMEDIES BRIEF AND SUPPORTING
MATERIALS**

Dept: Courtroom 8, 4th Floor
Judge: Hon. Judge Lucy H. Koh

Plaintiff Facebook, Inc. ("Facebook") hereby moves to file portions of its Supplemental Remedies Brief and supporting materials under seal pursuant to Civil Local Rules 7-11 and 79-5.

The Protective Order provides that a party may not file in the public record in this action any Protected Material designated by the other party. Dkt. No. 95. Defendants have designated as Protected Material the following materials submitted in support of Facebook's Supplemental Remedies Brief:

Document	Portion to be sealed
Exhibit 2 to the Declaration of Monte M.F. Cooper, excerpts from the March 7, 2012 Rule 30(b)(6) deposition of Power Ventures	Entire document
Exhibit 3 to the Declaration of Monte M.F. Cooper, copy of an email produced by Defendants	Entire Document
Exhibit 4 to the Declaration of Monte M.F. Cooper, copy of an email produced by Defendants	Entire document

Accordingly, pursuant to the Protective Order, Facebook requests permission to files these materials under seal.

Facebook also respectfully requests permission to file under seal information reflecting a special billing arrangement between Facebook and its outside counsel. Specifically, Facebook requests permission to file under seal a single sentence in the declaration of Joseph Cutler describing the billing arrangement and a few other passages in Facebook's brief and supporting documents reflecting special billing rate and the number of hours billed (which could be used to deduce the special billing rate) as follows:

Document	Portion to be sealed
Exhibit 5 to the Declaration of Monte M.F. Cooper, Expert Report of Richard Ostiller	Portions reflecting special billing arrangement and numbers of hours billed by Facebook's outside counsel at page 8 ¶ 30 and page 38
Declaration of Joseph Cutler	Portions reflecting special billing arrangement and numbers of hours billed by Facebook's outside counsel at page 1 ¶ 6 and page 2 ¶ 7

Facebook's Supplemental Remedies Brief	Portions reflecting special billing arrangement and numbers of hours billed by Facebook's outside counsel at pages 2, 4, and 5
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The narrow range of material Facebook requests to seal concerns a special billing arrangement and rates that are not publically known and could prejudice Facebook and its outside counsel in future negotiations. The Court previously authorized Facebook to file such information under seal. *See* Dkt. Nos. 182 & 354 (granting motions to seal portions of prior Cutler declaration discussing *inter alia* billing information); Dkt. 296 (granting motion to file portions of Ostiller report under seal discussing billing amounts).

For the foregoing reasons, Facebook, respectfully requests that the Court grant Facebook permission to file portions of its brief and supporting materials under seal.

Dated: March 8, 2017

Respectfully Submitted,

By: I. NEEL CHATTERJEE

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